

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

AUG 1 2013

Clerk, U.S. District Court
District Of Montana
Missoula

VINCENZO ROCCISANO,

Plaintiff,

vs.

SIX UNKNOWN NAMES AGENTS or
MR PRESIDENT OF THE UNITED
STATES BARACK OBAMA,

Defendants.

Cause No. CV 13-00145-M-DWM-JCL

ORDER

On July 17, 2013, the Court received Plaintiff Vincenzo Roccisano's Complaint along with two other nearly identical Complaints submitted in Civil Action Nos. 13-CV-00143-M-DWM-JCL and 13-CV-00144-M-DWM-JCL. Neither the filing fee nor a motion to proceed in forma pauperis was submitted in any of these cases. The Complaints were received in the same envelope from the United States Immigration and Customs Enforcement Processing Center in El Paso, Texas.

The Complaint filed in Civil Action No. 13-CV-00143-M-DWM-JCL is in the name of Young Yil Jo, a former federal prisoner who according to the Federal

Bureau of Prisons website was released on May 8, 2013. Yil Jo has filed hundreds of frivolous lawsuits throughout the country. Yil Jo has been denied permission to proceed in forma pauperis in Civil Action No. 13-CV-00134-M-DWM-JCL and that case is closed.

The Complaint at issue here, is styled in the name of Vincenzo Roccisano but is not signed. The Court has serious concerns regarding this Complaint. First, it appears Yil Jo drafted the Complaint because the Complaints are so similar and the handwriting on both Complaints and Yil Jo's filings in other jurisdictions is the same. Secondly, Yil Jo has a history of submitting complaints in other prisoners' names without their knowledge. He has done so previously in this Court. See Civil Action Nos. 12-CV-00118-BLG-RFC, 13-CV-98-M-DWM, 13-CV-110-M-DWM, 13-CV-125-M-DWM, and 13-CV-134-M-DWM. In addition, the Northern District of Georgia has noted it had dismissed at least eleven complaints allegedly submitted by federal prisoner Jaimes Enriquez against "Six Unknown Names [sic] Agents" at least one of which was actually submitted by Yil Jo. Enriquez had informed the Court that many lawsuits filed in his name were not filed by him. See Civil Action 11-CV-01341-WSD, DKT 2 (N.D. Ga April 29, 2011).

More important, however, is that this Complaint has not been signed. Rule

11(a) of the Federal Rules of Civil Procedure requires that every pleading, written motion and other papers be signed by a party personally if the party is unrepresented.

It appears that Yil Jo drafted this Complaint and it is unclear whether Roccisano has even seen it. In light of this, and because there is no signature on the Complaint, the Complaint will be stricken and this matter closed.

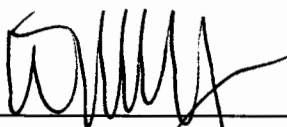
The Clerk of Court is directed to send a copy of this Order as well as the Complaint to Roccisano at the ICE Processing Center in El Paso, Texas. If Roccisano himself wishes to file a civil suit, he may do so by submitting a signed complaint and either paying the filing fee or submitting a request for permission to proceed in forma pauperis that complies with the requirements of 28 U.S.C. § 1915.

Based upon the foregoing, the Court issues the following:

ORDER

The Complaint is stricken and the Clerk of Court directed to close the case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 1st day of August, 2013.



Donald W. Molloy, District Judge
United States District Court